A Regular Meeting of the Zoning Board of Appeals was held on Thursday, March 12, 2020, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Daniel Bassette

 Stephen Maxon

 David Cook

 Dustin Cichon

 Stephen Tudhope

ATTORNEY: David Hou

OTHERS: Town Councilman John Hagreen

Minutes were taken by Michelle Booth.

Mr. Bassette opened the meeting at 7:00 p.m.

**CAROSA AREA VARIANCE PUBLIC HEARING CONTINUED**

Christopher Carosa, 2 Lantern Lane, Honeoye Falls, consisting of 0.84 acres, to construct a 28’ by 48’detached garage at said property, which exceeds the allowed lot coverage by approximately 612 square feet and therefore requires an area variance. Zoned RA-1. Tax account no. 215.02-1-50.

Mr. Bassette acknowledged the affidavit of posting of the sign and waived the reading of the public notice.

There was a brief discussion about the prior meeting held on February 27, 2020.

Mr. Bassette asked if there would be any change in character in the neighborhood. The applicant stated no.

Mr. Bassette asked if there were alternative methods to achieve what they desire. The applicant stated no.

Mr. Bassette asked if this was a significant request. The applicant stated no.

Mr. Bassette asked if this would have any physical or environmental effects in the neighborhood. The applicant stated no.

Mr. Bassette asked if this was a self-created difficulty. The applicant stated yes.

There was no public comment.

**MOTION**

Mr. Cichon moved, second by Mr. Tudhope, to close the Public Hearing.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; Mr. Cichon – aye; and Mr. Tudhope - aye.

**DONK AREA VARIANCE PUBLIC HEARING**

Timothy Donk, 1152 Mile Square Road, Mendon, consisting of 1.5 acres, to build a concrete pad for a hot tub at said property, with a side setback of approximately 8 feet, whereas code requires a 15-foot side setback and therefore requires an area variance. Zoned RS-30. Tax account no. 216.08-1-9.

There was a discussion about the project. Mr. Donk stated he had spoke with the neighbors, they had no concerns.

There was discussion about the location and concrete slab specifications.

Mr. Bassette asked if there would be any change in character in the neighborhood. The applicant stated no.

Mr. Bassette asked if there were alternative methods to achieve what they desire. The applicant stated yes.

Mr. Bassette asked if this was a significant request. The applicant stated no.

Mr. Bassette asked if this would have any physical or environmental effects in the neighborhood. The applicant stated no.

Mr. Bassette asked if this was a self-created difficulty. The applicant stated yes.

There was no public comment.

**MOTION**

Mr. Maxon moved, second by Mr. Cichon, to close the Public Hearing.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; Mr. Cichon – aye; and Mr. Tudhope - aye.

**MOTION**

Mr. Tudhope moved, second by Mr. Cichon, to approve the minutes from February 27, 2020 as submitted.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; Mr. Cichon – aye; and Mr. Tudhope - aye.

There was a brief discussion about both applications reviewed tonight.

**CAROSA AREA VARIANCE DETERMINATION**

Mr. Maxon moved, seconded by Mr. Tudhope, that the area variance requested by Christopher Carosa, 2 Lantern Lane, Honeoye Falls, consisting of 0.84 acres, bearing Tax Account No. 215.02-1-50, located in an RA-1 zone, to construct a 28’ by 48’detached garage at said property, which exceeds the allowed lot coverage by approximately 612 square feet and therefore requires an area variance, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Christopher Carosa, the property owner appeared before the Zoning Board of Appeals at the public hearings on February 27, 2020 and March 12, 2020.
2. This property is located in the Skyview Estates subdivision, which was approved in 1978 as a cluster development pursuant to Town Code Section 226. Town Code Section 226-8(D)(1)(3) states that minimum lot sizes in RA-1 Zoning Districts shall be 0.75 acres. As such, the property is properly sized.
3. Section 260-8C(3) of the Town Code states the total area of all accessory buildings shall not exceed 2% of the lot area. The lot size is approximately 0.84 acres, or 36590 square feet. 2% of that, the allowed area for accessory buildings, is 732 square feet.
4. The applicant has requested a variance to construct a detached garage with dimensions of approximately 28’ x 48’, or 1344 square feet. Per the map provided to the Board, dated July 29, 1986, the applicant intends to position the garage along the northern end of their driveway.
5. There is an existing accessory structure on the lot, which the applicant intends to demolish. The items in the existing structure will be relocated to the new structure.
6. The applicant intends to use this detached garage primarily for storage.
7. The existing residence includes an attached garage.
8. There are similarly sized accessory structures on some of the nearby properties.
9. There is a leech field directly north of the residence, preventing construction in that area.
10. No members of the public commented during the public hearing.
11. This application is exempt from County Planning Board review under General Municipal Law 239-m pursuant to an agreement dated January 24, 1994 between the County and the Town which exempts matters set forth therein from further County review.

**CONCLUSIONS OF LAW**

1. The requested benefit can**not** be achieved by other feasible means, as the size of the lot and existing usage of land prevent alternatives.
2. The request **is** substantial, as it is nearly double the allowed coverage.
3. Upon review of Short Environmental Assessment Form (617.20 Appendix B), the board finds the request will **not** have any adverse physical or environmental effects, as it impacts such a small portion of land.
4. The request will **not** have an undesirable change in the neighborhood, as similarly sized accessory structures already exist in the neighborhood.
5. The difficulty **was** self-created, as the applicants desire for additional space is of his own making.
6. This is a Type II action under SEQR

**CONDITIONS OF APPROVAL**

1. The existing accessory structure be demolished and removed within 60 days of the issuance of the Certificate of Compliance.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; Mr. Cichon – aye; and Mr. Tudhope - aye.

**DONK AREA VARIANCE DETERMINATION**

Mr. Cook moved, seconded by Mr. Maxon, that the area variance requested by Timothy Donk, 1152 Mile Square Road, Mendon, consisting of 1.5 acres, bearing Tax Account No. 216.08-1-9, located in an RS-30 zone, to build a concrete pad for a hot tub at said property, with a side setback of approximately 8 feet, whereas code requires a 15-foot side setback and therefore requires an area variance, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Timothy Donk, the property owner appeared before the Zoning Board of Appeals at the public hearing on March 12, 2020.
2. Section 260-106 of the Mendon Zoning Code states the RS-30 has a side setback of 15 feet. The applicant is requesting a side setback of approximately 8 feet.
3. The applicant intends to place a concrete pad, approximately 9 feet square, next to an existing deck. Onto this pad he intends to place a hot tub. A portion of this pad would encroach into the side setback.
4. The applicant states it would not fit if built on the other side of the deck, due to the existing terrain.
5. No members of the public commented during the public hearing.
6. This application is exempt from County Planning Board review under General Municipal Law 239-m pursuant to an agreement dated January 24, 1994 between the County and the Town which exempts matters set forth therein from further County review.

**CONCLUSIONS OF LAW**

1. The requested benefit can**not** be achieved by other feasible means, as the terrain prohibits it.
2. The request **is** substantial, as it is approximately 53% of the required setback.
3. Upon review of Short Environmental Assessment Form (617.20 Appendix B), the board finds the request will **not** have any adverse physical or environmental effects, as the proposed construction is minor.
4. The request will **not** have an undesirable change in the neighborhood, as it is of small enough scale.
5. The difficulty **was** self-created, as the applicants desire for a hot tub is driving this variance.
6. This is a Type II action under SEQR

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; Mr. Cichon – aye; and Mr. Tudhope - aye.

**MOTION**

Mr. Cichon moved, second by Mr. Maxon, to adjourn the meeting.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; Mr. Cichon – aye; and Mr. Tudhope - aye.